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March 17, 2020

VIA ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: Christian Brown v. City of New York, et al.
19 Civ. 5347 (KPF)

Your Honor:

I represent defendants the City of New York, Eric Simon Jr., and Sherma Dunbar in the above-referenced action. Defendants write to respectfully request that the Court issue a thirty-day stay of discovery in this action. This is defendants' first such request. Defendants have not sought plaintiff's consent to this request as he is currently incarcerated and proceeding *pro se*.

By way of background, on March 10, 2020, the Court issued a Case Management Plan and Scheduling Order, setting forth the discovery deadlines in this action. While it is defendants' sincere intent to strictly comply with Court Orders and deadlines, the coronavirus pandemic has caused a drastic change in circumstances since March 10, 2020. For example, on March 15, 2020, defense counsel was directed to work from home indefinitely. This has resulted in a number of logistical issues that, at least in the immediate future, will significantly impede defendants' ability to participate in discovery in this action.¹

Defendants assure the Court that they remain committed to moving this case forward as expeditiously as possible, but ask for some leniency in these trying circumstances. Accordingly, defendants respectfully request a thirty-day stay of discovery in this action.

¹ For example, defense counsel is currently unable to print and mail documents to plaintiff. As a result of this limitation, defendants respectfully request that the Court mail a copy of this application to plaintiff.

Defendants thank the Court for its consideration in this matter.

Respectfully submitted,

/s/ Zachary Kalmbach

Zachary Kalmbach

Assistant Corporation Counsel

Special Federal Litigation Division

Application GRANTED. The Court hereby ORDERS a stay of discovery for 30 days while the parties adapt to their present conditions. Defendant is ORDERED to update the Court on or before April 17, 2020, as to whether it is able to proceed with discovery. The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

Dated: March 17, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE